

**REMARKS**

The Examiner acknowledges that claims 1-18 are pending. Although not specifically referred to by the Examiner, claims 35 and 36 were submitted as new claims for consideration in the Amendment filed on May 20, 2005. Moreover, the Examiner has indicated that the submission of the RCE and the Amendment were entered. In view of the above, it is Applicant's understanding that claims 1-18 and 35-36 are currently pending. Applicant respectfully requests clarification with regard to this issue. Claims 1, 4, 10, 11, 14, 35, and 36 have been amended to more clearly set forth aspects of the invention. Accordingly, claims 1, 4, 10, 11, 14, 35, and 36 as amended, and dependent claims therefrom are under consideration.

Support for the amendments to the claims is found throughout the specification and in the original claims. Specifically, support for amendment to claims 1, 4, 10, 11, and 14 is presented in original claims 1, 4, 10, 11, and 14; support for amendment to claims 35 and 36 is found in previously presented claims 35 and 36. No issue of new matter is introduced by the amendments to the claims.

**Priority**

The Examiner acknowledges Applicant's claim to foreign priority based on an application filed in the European Patent Office on September 30, 1998. Enclosed herein for the Examiner's consideration is a certified copy of priority document European Patent Application No. EP 98307985.6. Applicant believes that the claim to priority for the present application is hereby perfected.

**Rejections under 35 USC § 112**

Claims 1-18 are rejected under 35 USC § 112, second paragraph, for alleged indefiniteness. Claims 1 and 4 are amended herein to recite "the at least one nucleic acid sequence to be amplified" for which antecedent basis is set forth. Claims 1 and 4 are also amended herein to clarify that "a solid support" of step (1) is identical to "the solid support" of step (2). Applicant, therefore, believes that the amendments to claims 1 and 4 and dependent claims therefrom are curative of the rejection based on alleged indefiniteness. In view of the above amendments to the claims, Applicant respectfully requests that the rejection be withdrawn.

**Provisional Rejections Under the Judicially Created Doctrine of  
Obviousness-Type Double Patenting**

Claims 1-18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1-31 of co-pending U.S. Application No. 10/433,965. In response, Applicant offers a willingness to consider filing a Terminal Disclaimer after or upon notification of allowable subject matter in both applications.


***Fees***

No additional fees are believed to be necessitated by this amendment. However, should this be an error, authorization is hereby given to charge Deposit Account No. 11-1153 for any underpayment or to credit any overpayment.

***Conclusion***

It is submitted, therefore, that the claims are in condition for allowance. No new matter has been introduced. From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited. In the event that there are any questions concerning this amendment, or application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

Respectfully submitted,

  
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Enclosures: Petition for a One-Month Extension of Time  
Petition for Grant of Priority